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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,531	08/18/2000	Ferdinand Hendriks	YOR9-2000-0220-US1	7794

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EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/642,531

Applicant(s)

HENDRIKS ET AL.

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2004 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment of claims 1, 3, 11, 13, and 20 has been fully considered and is entered.

### ***Response to Arguments***

2. Applicant's arguments filed 25 June 2004 have been fully considered but they are not persuasive. Applicant's argument that the amendments to claims 1, 3, 11, 13, and 20 have overcome the 101 rejections is not persuasive because the disclosed invention is still inoperative and therefore lacks utility. How can identifiers being assigned to a user before the user enters data or establishes an association with the computing devices? The user would be unknown at this point and assigning an identifier to this user would not be possible.

3. Applicant's argument that the Penzias references does not disclose a collaborative computing system is not persuasive because the use of the smart cards and point of sale terminals to authenticate users (Col. 5, line 1 – Col. 6, line 57), which would meet the limitation of a collaborative computing system because they “work together” to authenticate the users.

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Penzias discloses a method for retail transaction identification wherein a purchaser

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is required to provide identification information along with biometric information, at a point of sale terminal, in the form of either height, weight, eye/hair color, fingerprint, iris image, or voice print in order to purchase a certain product. Penzias does not disclose that the point of sale terminals accepts signature biometric information. Piosenka discloses a personal identification system wherein the biometric terminal accepts dynamic signatures via a pressure sensitive tablet (Col. 5, lines 20-27, Fig. 1)(whiteboard system). It would have been obvious to one of ordinary skill in art at the time the invention was made to authenticate the purchasers of Penzias using dynamic signature via pressure sensitive tablets in order to provide universally accepted personal identification information as taught in Piosenka (Col. 2, lines 43-48).

***Claim Rejections - 35 USC § 101***

5. Claims 3, 13 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. How can identifiers being assigned to a user before the user enters data or establishes an association with the computing devices? The user would be unknown at this point and assigning and identifier to this user would not be possible.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 4-9, 11, 14-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Penzias, U.S. Patent No. 5,577,120. Referring to claims 1, 4-6, 8, 9, 11, 14-16, 18-23, Penzias

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discloses a method for retail transaction identification wherein a purchaser is required to provide identification information along with biometric information, at a point of sale terminal, in the form of either height, weight, eye/hair color, fingerprint, iris image, or voice print in order to purchase a certain product. At the time of purchase, the purchaser's identification information, biometric information, and information about the transaction itself (data unit) is stored, which meets the limitation of associating one or more identifiers with data units respectively entered by one or more users at at least one of the two or more collaborative computing devices so that data entered by one or more is uniquely identifiable in the distributed collaborative computing system. The stored information is recoverable upon authorization by a central maintenance agency (Col. 2, line 37 – Col. 3, line 52), which meets the limitation of storing the data units and the one or more associated unique identifiers, the stored data units and associate unique identifier being accessible to the two or more collaborative computing devices in the distributed collaborative computing system in accordance with the collaborative application.

Referring to claims 7, 17, Penzias discloses that the identification information can be information contained on a transaction card that the user scans into a card reader at the time of transaction to read identification information such as the purchaser's name, address, social security number, etc. (Col. 2, lines 37-54), which would meet the limitation of determining an identifier via a personal code automatically sensed through an input device used by the user to enter the data units.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 10, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Penzias, U.S. Patent No. 5,577,120, in view of Piosenka, U.S. Patent No. 4,993,068. Referring to claims 2, 10, 12, Penzias discloses a method for retail transaction identification wherein a purchaser is required to provide identification information along with biometric information, at a point of sale terminal, in the form of either height, weight, eye/hair color, fingerprint, iris image, or voice print in order to purchase a certain product. At the time of purchase, the purchaser's identification information, biometric information, and information about the transaction itself (data unit) is stored, which meets the limitation of associating one or more identifiers with data units respectively entered by one or more users at at least one of the two or more collaborative computing devices so that data entered by one or more is uniquely identifiable in the distributed collaborative computing system. The stored information is recoverable upon authorization by a central maintenance agency (Col. 2, line 37 – Col. 3, line 52), which meets the limitation of storing the data units and the one or more associated unique identifiers, the stored data units and associate unique identifier being accessible to the two or more collaborative computing devices in the distributed collaborative computing system in accordance with the collaborative application. Penzias does not disclose that the point of sale terminals accepts signature biometric information. Piosenka discloses a personal identification system wherein the biometric terminal accepts dynamic signatures via a pressure sensitive tablet (Col. 5, lines 20-27, Fig. 1)(whiteboard system). It would have been obvious to one of ordinary skill in art at the time the invention was made to authenticate the purchasers of Penzias using dynamic signature via pressure sensitive

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tablets in order to provide universally accepted personal identification information as taught in Piosenka (Col. 2, lines 43-48).

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

#### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

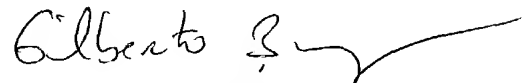
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



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